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MEMORIAL

TO THE

Congress of the United States,

FROM THE

EXECUTIVE COMMITTEE,

APPOINTED AT THE

German-American Mass Meeting,

ON BEHALF OF

FREE CUBA,

HELD NOVEMBER 21st, 1873.

AT THE

CITY OF NEW YORK.

9-16279

To the Senate and House of Representatives of the United States, in Congress assembled:—

THE undersigned, your Memorialists, citizens of the United States of German descent and residents of the City and State of New York, do most respectfully represent:

For more than five years a bloody conflict has been waged upon the Island of Cuba. The world has not been left in ignorance of the object and purposes of this revolutionary strife. It is a notorious fact that the Cubans, at least a majority of them, are determined to sever all political connections with their ancient government in Europe and establish their independence as a free and sovereign State. Spain on her part exerts all her material and warlike power to suppress this yearning for Liberty and Independence, and strives to exact complete submission of the Revolutionists to her demands. During the long continuance of this war —for such it must be justly called—the barbarous ferocity of the Spanish representatives in Cuba has not abated, but rather increased. The Executive of the United States has time and again officially protested against this violation of all the rules of civilized warfare on the part of Spain, but without any practical results. Not only the rightfulness of the cause of those who stand in the field for Cuban independence, but also the savage method of warfare persistently maintained by Spain, created an intense feeling in the United States. In the language of DANIEL WEBSTER, "When the United States behold the people of foreign countries * * * spontaneously moving toward the adoption of institutions like their own, it surely cannot be expected of them to remain wholly indifferent spectators." And in view of the many brutalities, murders und assassinations, justified by no law either of war or of necessity,

which have been perpetrated by Spanish officials in that unhappy island, the American people must remember the burning words uttered by HENRY CLAY in the House of Representatives of Congress on the 20th of January, 1824, when speaking of the unheard-of barbarities and wholesale slaughters committed by the Turks against the Greek insurrectionists:—"Are we so mean, so debased, so despicable, that we will not attempt to express our horror, utter our indignation, at the most brutal and atrocious war that ever stained earth or shocked high heaven, at the ferocious deeds of a savage and infuriated soldiery, rioting in all the excesses of blood and butchery, at the mere details of which the heart sickens and recoils?" The late executions or rather massacres at Santiago de Cuba recall with vastly increased force these noble words of the great American statesman of a past era, who seems to speak to us from his grave in the emergency of the hour.

For eight years the American people sustained what for a long time appeared as an unequal and almost hopeless conflict. They have their own experience to justify them in sympathizing with a neighboring people struggling to obtain for themselves the Rights, Liberties and the same Independence from European Dominion, which the United States, after much suffering and slaughter and many years of military reverses, succeeded at last in achieving for their country. But the Star of Fortune did not smile permanently upon their banner, until enlightened governments of Europe, like that of Holland and France and the Great Frederick of Prussia, recognized in the revolted colonies a belligerent power possessing all the rights of an independent nation at war with another. And it was the combined action of the Courts of Austria, Russia and Prussia, in the year 1781, proposing an International Congress between the belligerents, which led to the preliminary conferences at the Hague and finally resulted in the Treaty of Paris in 1783, from which dates the acknowledgment by England of the Independence of the United States.

Your Memorialists beg pardon for this reference to well-known facts of American history, and they offer for excuse that ever since those memorable days the American people held in sacred memory the aid they received from other nations in their first struggle for National Life, and have themselves aided with their sympathy and often materially all rising nationalities on this hemisphere fixedly determined to cut loose from further subjection to European powers. Your memorialists beg also to call attention to the course of the American Government, including the Congress and the Supreme

Court of the United States, towards the revolutionary war carried on by the people of the many Spanish Vice-Royalties on the American continent against the parent country in Europe. The ill-fated expedition of MIRANDA, which left these shores to assist the insurgents in Venezuela, while THOMAS JEFFERSON yet occupied the presidential chair, was openly assisted by the people, and numerous other expeditions in aid of the Revolution in the various other colonies were similarly supported and helped by popular sympathy during the fifteen years that the cruel war continued. Although the resolution recognizing the independence of the revolted colonies as free states, did not pass Congress until 1822,—two years before Spain was compelled by the ill success of her forces to submit to the inevitable, and before any other government took the same step, —the Revolutionists were long before treated as belligerents and their right to buy ships, arms and ammunition in this country was not only diplomatically conceded them, but our Courts of Admiralty almost uniformly maintained it, and it was finally and authoritatively settled by the Supreme Court of the United States, under the leadership of Chief Justice MARSHALL in the celebrated case of the *Santissima Trinidad.* Your memorialists beg leave to state it as their opinion, that even the stringent Neutrality Act of 1818 seems, in their view, not to change that principle, in as much as by the force of its very terms any "people" may be recognized as a sovereignty, capable, if at peace with the United States, of enjoying in our ports all the rights of an independent power in a state of belligerency, and the United States are certainly not at war with the "people" of Cuba. Again your Memorialists would respectfully refer to an undoubted authority in American Legislation. The Neutrality Act of 1818 was passed — although your memorialists are fully aware of the influence exercised by the British Government under Mr. CANNING at the same time and in the same direction—after, and probably in consequence of a resolution introduced by HENRY CLAY in the House of Representatives on the 3d of December, 1817, in the following words: "That the said committee be instructed to inquire whether any, and if any what, provisions of law are necessary to insure to the American colonies of Spain a just observance of the duties of the neutral relation in which the United States stand in the existing war between them and Spain." In advocating this resolution Mr. CLAY on the same day made use of this language: "Let us look at the condition of the patriots. No minister here to spur on our government. No; their unfortunate case is what ours has been in the years 1778 and 1779; their ministers,

like our Franklins and Jays, are skulking about imploring * * * for one kind look—some aid to terminate a war afflicting humanity." And on the 10th of May, 1820, HENRY CLAY from his seat in the House again addressed himself to the subject and said: "The relation of colonies and mother country can no longer exist, from the nature of things, UNDER WHATEVER ASPECT THE GOVERNMENT OF SPAIN MIGHT ASSUME. The condition of Spain is no reason for neglecting now to do what we ought to have done long ago." In view of our present complications with Cuba and of the fact that there was a revolution in Spain at that time as there is now, these words come down to us from the past as the wise counsels of one of the wisest of American statesmen. No wonder that he received the votes of thanks of all these Spanish-American Republics and still lives in their grateful memory.

While your memorialists fully agree that the efforts to form and consolidate a Republic in Spain deserves the fullest and warmest sympathy of our government and people, yet the attempt of that country to hold in subjection by force of arms a people on this continent determined to be as free from its dominion, as the other Spanish-American Republics, must be deprecated and condemned. What, in the case of these earlier wars of Spain on this continent, was well done by the statesmen of the Republic, when this country was yet weak in the eyes of the world, with a population of less than twenty million souls, cannot be wrong now when the United States rank among the first and most powerful nations on the globe and their interests ought to be considered superior to those having colonial possessions in such near proximity and situated as the Island of Cuba. Your Memorialists cannot refrain from declaring that in this connection they believe to express what has been the settled policy of America since the foundation of its present government. It is a matter of history, unfortunately forgotten by too many in the turmoil and the tremendous concussion of events within the last twelve years, that under President Fillmore's administration England and France proposed a tripartite treaty, by which the United States and the other two governments named were to bind themselves never in all the future to disturb the possession of Cuba by Spain. Secretary WEBSTER at once, within six days after the receipt of the proposition, formally declined to entertain it. After the death of that great man, EDWARD EVERETT, his successor as Secretary of State, in a lengthy despatch dated Dec. 1st, 1852, gave the reasons actuating the Government for not entering into the treaty.

"The island of Cuba," said our Secretary to the English and French Ambassadors, "lies at our doors; it commands the approach to the Gulf of Mexico, which washes the shores of five of our states; it bars the entrance to that great river, which drains half the North American Continent and, with its tributaries, forms the largest system of internal water communication in the world; it keeps watch at the doorway of our intercourse with California by the Isthmus route. If an island like Cuba, belonging to the Spanish crown, guarded the entrance to the Thames or the Seine, and the United States should propose a convention like this to England and France, those powers would assuredly feel that the disability assumed by ourselves was far less serious than that which we asked them to assume."

And further on in the same document we read these memorable declarations: "Spain has retained, of her extensive dominions in this hemisphere, but the two islands of Cuba and Porto Rico; a respectful sympathy with the fortunes of an ancient ally and a gallant people, with whom the United States have ever maintained the most friendly relations, would, if no other reason existed, make it our duty to leave her in the undisturbed possession of this little remnant of her mightly transatlantic Empire. The President (FILLMORE) desires to do so. No word or deed of his will ever question her title or shake her possession. BUT CAN IT BE EXPECTED TO LAST VERY LONG? CAN IT RESIST THIS MIGHTHY CURRENT IN THE FORTUNES OF THE WORLD? IS IT DESIRABLE THAT IT SHOULD DO SO? CAN IT BE FOR THE INTEREST OF SPAIN TO CLING TO A POSSESSION THAT CAN ONLY BE MAINTAINED BY A GARRISON OF 25,000 OR 30,000 TROOPS AND A POWERFUL NAVAL FORCE? * * * * No administration of the government, however strong in the public confidence in other respects, could stand a day under the odium of having stipulated that * * * in no future times under no change of circumstances, * * * by no consent of the inhabitants of the island, should they, like the possessions of Spain on the American continent, succeed in rendering themselves independent; in fine, that by no overruling necessity of self-preservation should the United States ever make the acquisition of Cuba." These views MR. EVERETT, after his retirement from office upon a change of administration, fully maintened in a letter published in the newspapers on the 16th of September 1853 and the then Secretary of State, WILLIAM L. MARCY also adhered to them.

Your Memorialists believe that the change of circumstances hypothetically predicted by Secretary EVERETT, has already taken

place and the fruitless resistance of Spain for five years to the mighty current toward freedom and independence in Cuba seems to prove the prophetic foresight of the American statesman.

But your Memorialists are not insensible to the fact that the inhabitants of the island have not yet gained their independence. Though struggling for many years, their success is still undecided. Yet recent events have conclusively shown that the most vital interests of the American Union, the sanctity of its flag upon the high seas and the right of American citizens to be secure in their persons and property when protected by that flag, are not only put in peril, but have been grievously injured by Spanish officials in Cuba. Believing that by means of Diplomatic courtesies the rightful remedy for such gross insults—war—has for the present been avoided, your Memorialists are yet convinced that it is only postponed and not to a far day in the future. In the light of the past history your Memorialists would respectfully pray that the resolution introduced in the House of Representatives on the 8th of December 1873, by the Hon. Samuel S. Cox, or one of similar import, be passed, granting to the people of Cuba, organized for several years in a republican form of government in all its Departments, and having in their Constitution decreed the immediate and perpetual abolition of slavery on the island, at least the RIGHTS OF BELLIGERENTS, and recognizing a state of war to exist between the Republic of Spain and the "People" of Cuba. When the people of Hungary organized themselves into a Republic, with LOUIS KOSSUTH as its provisional President, Gen. TAYLOR sent A. DUDLEY MANN from the State Department to Europe, with instructions and credentials to recognize the nascent Republic, if on his arrival he should find it capable of maintaining itself. Unfortunately the Russian intervention was by that time beating out its life, but the proposed recognition by the United States gave occasion to DANIEL WEBSTER, as Secretary of State to send forth to the world that heroic answer to the Chevalier HUELSEMANN, in which he almost passionately declares that "while performing with strict and exact fidelity all their neutral duties, nothing will deter either the government or the people of the United States from exercising, at their own discretion, the rights belonging to them as an independent nation, and of forming and expressing their own opinions, freely and at all times, upon the great political events which may transpire among the civilized nations of the earth."

Your Memorialists live in the fervent hope that the spirit of CLAY, of WEBSTER, of EVERETT and MARCY, and of other leading

and great men of the country is still alive among the American people and ready, as of yore, to defend their rights and avenge any insult to their honor. The capture of the Virginius and the massacre of a portion of her crew have brought this whole subject prominently before your Honorable Bodies and before the public at large, and your Memorialists beg to represent that a just punishment of the perpetrators of these outrages and of all who aided and abetted them, as well as to repress forever the barbarous mediaeval spirit and the mode of warfare which made these horrors possible, would be the recognition of the Cuban Patriots as Belligerents, and this sturdy band of Republicans with the aid which under International Laws and the Neutrality Acts, such acknowledgment of their independent national existence for the purposes of this war, could enable them to obtain without hindrance, would themselves soon avenge the insult and injury heaped upon their cause and upon the American people in the course of so many years by the haughty and brutal officials of a volunteer mob, almost beyond the control of the home government in Spain.

Your Memorialists do further represent, that under the various forms of government in Spain since 1868, including the present Republican system, she unerringly followed the same policy towards Cuba as for centuries before. That policy, in the opinion of your Memorialists, is but the carrying out, at least in spirit if not to the very letter, of the principles enunciated by the Congress of European Monarchs, held at Verona in 1821, in regard to the revolutionary movements then going on in Naples, in Spain and in the Spanish Colonies in America. President MONROE, in his message in 1823 protested most solemnly, against the Doctrines of the Verona Congress being made applicable to this continent and that protest has ever been one of the fundamental rules of action in the intercourse of the United States with foreign nations and within the memory of all, it prevented the imperialization of Mexico only a few years ago. This rule, hailed with patriotic delight in every part of the Union when first proclaimed, has not yet lost and never will lose its hold upon the hearts of the people and since Spain and her representatives in Cuba persist in virtually maintaining, next to our shores a system of government which, though sanctioned by the Congress of Verona, was always regarded, as inimical to American Liberty and Progress, it is but right that the patriots in that oppressed island should not be left wholly unaided, to make an end of it in the interest both of themselves and of the United States.

Very recent information from Havana brought intelligence that

a Spanish prize court had assumed jurisdiction over the case of the Virginius and adjudicated her a legitimate capture or, in other words, a prize of war. Your memorialists beg to refer to the well known rule that prize courts are recognized only by the International laws of war and that where no war exists there can be no prizes and no prize courts, except in cases of piracy to which category the Virginius evidently did not belong. It would seem that this reported decision of the Spanish prize court in Havana does virtually settle the belligerent status of the Cuban Revolution, for without a state of war existing between Spain and the Cubans, there could be no prizes of war and no adjudications by prize courts. By recognizing such a state of belligerency between the two parties, the United States would, therefore, as it appears to your memorialists, only acknowledge a state of things which a Spanish court took for granted in assuming jurisdiction over the case at all, without in any wise admitting that the adjudication itself was right or warranted by treaties and the Law of Nations.

Your Memorialists, believing it their duty, in consideration of the grave events of the day, to give full expression to their views, and approach the American Congress as American Citizens, with their humble memorial and petition and submit their prayer confidently to the scrutiny of your Honorable Bodies and, as in duty bound, will ever pray &c.

New York, January 3, 1874.

WM. RADDE, President.

SAM. BROMBERG,
F. W. BLECKWENN, } Secretaries.

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